

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

SILLS CUMMIS & GROSS P.C.,

Plaintiff,

- against -

BETTY DUSANGE-HAYER, ISHAN
HOLDINGS AND DEVELOPMENT
CORPORATION and ERWIN SINGH
BRAICH,

Defendants.

ORDER

19 Civ. 7463 (PGG)

PAUL G. GARDEPHE, U.S.D.J.:

In a January 23, 2020 order, this Court directed Defendant Ishan Holdings and Development Corporation to arrange for counsel to file a notice of appearance in this case by February 14, 2020. The January 23, 2000 order also directs Defendants Betty Dusange-Hayer and Erwin Braich to file notices of appearance by February 14, 2020. (Jan. 23, 2020 order (Dkt. No. 31))

In a February 14, 2020 letter, Plaintiff reports that on “January 23, 2020, the individual defendants Betty Dusange-Hayer and Erwin Braich purported to serve Notices of Pro Se Appearance, copies of which are enclosed herewith. Those Notices, however, are defective. Neither Ms. [Dusange-]Hayer nor Mr. Braich signed those Notices. The Notices were signed by non-party Emmet Pierce, with no indication of his authority to execute the Notices on behalf of the individual defendants. Upon information and belief, Mr. Pierce is not an attorney.” (Feb. 14, 2020 Ltr. (Dkt. No. 34) at 1)

In a letter dated February 18, 2020, Defendant Braich states that properly executed Notices of Pro Se Appearance – on behalf of both himself and Defendant Dusange-

Hayer – have been or will be “couriered to the Court” forthwith. (Feb. 18, 2020 Braich Ltr. (Dkt. No. 35))

In a February 19, 2020 letter, Emmet Pierce – a director of Defendant Ishan Holdings and Development Corporation – states that Ishan expects to retain counsel in the next 21 days. (Feb. 19, 2020 Pierce Ltr. (Dkt. No. 36))

Given these representations, the show cause hearing scheduled for February 20, 2020 is adjourned to **March 19, 2020 at 11:00 a.m.** in Courtroom 705 of the Thurgood Marshall United States Courthouse, 40 Foley Square, New York, New York. The purpose of the adjournment is to (1) permit the individual defendants to submit properly executed notices of pro se appearance; (2) provide the corporate defendant with sufficient time to retain counsel; and (3) permit all Defendants to file an opposition to the pending motion for a default judgment. Properly executed notices of pro se appearance on behalf of Defendants Braich and Dusange-Hayer are to be filed by **February 28, 2020**. Any notice of appearance by counsel on behalf of Defendant Ishan Holdings and Development Corporation is due by **March 11, 2020**.

Any opposition to the motion for a default judgment is to be filed by **March 16, 2020**. Any reply is to be filed by **March 18, 2020**.


Defendants are not to call chambers. As directed in the Court’s January 23, 2020 order, Defendants should contact the Court’s Pro Se Intake Unit at (212) 805-0175 if they have questions or require assistance. (See Jan. 23, 2020 order (Dkt. No. 31))

Plaintiff will serve a copy of this Order on the Defendants by email at

erwinbraich@hotmail.com on or before **February 21, 2020**, and by overnight mail on or before
on **February 21, 2020**.

Dated: New York, New York
February 19, 2020

SO ORDERED.



Paul G. Gardephe
United States District Judge